

REMARKS

The specification has been objected to insofar as Example 1, Method B recites a yield in excess of 100%. Insofar as a yield of more than 100% is impossible, the sentence in Example 1, Method B reciting the yield has been deleted. As such, the amendment to the specification overcomes the objection thereto. It is noted that a spelling error in the aforementioned paragraph was identified and corrected.

Of the twelve claims submitted for examination in this application, six of them, Claims 1, 7, 9, 13, 21 and 22, have been allowed. The remaining six claims, Claims 2, 16-19 and 25 stand finally rejected on formal grounds.

Applicants respectfully traverse the formal ground of rejection of Claims 2, 16-19 and 25, under 35 U.S.C. §112, second paragraph, as being indefinite.

The Official Action argues that the rejected claims are indefinite insofar as Claim 2, from which Claims 16-18 and 25 depend and from which Claim 19 ultimately depends, does not specifically demonstrate removal of the HX salt of the compound of formula IV in its reaction with a suitable deprotecting agent, in a solvent, to obtain the compound of formula II of Claim 1.

The test of definitiveness is measured by the knowledge of one skilled in the art. The simple removal of an HX salt is clearly within the skill of pharmaceutical chemists to which this application is addressed. Those skilled in the art could accomplish this step without the setting forth of the specific reaction which effectuates that result.

Applicants point to the specification at Page 14 where Scheme 2 is set forth. That scheme shows the reaction where the compound of Claim 2, denoted in the specification


also as a compound IV, is converted to compound II. That description teaches those skilled in the art how to prepare the compound of formula II from the compound of compound II set forth in Claim 2, as conceded in the Official Action by the absence of a rejection under 35 U.S.C. §112, first paragraph. Certainly, those skilled in the art would thus find no indefiniteness which would prevent them from a full understanding of the process of Claim 2.

Reconsideration and removal of the formal ground of rejection is therefore deemed appropriate. Such action is respectfully urged.

The remaining claims, Claims 1, 7, 9, 13, 21 and 22, have been indicated to be allowable. These claims remain in the application. As such, the present application is in condition for allowance.

The above amendments and remarks establish the patentable nature of all of the claims currently in this application. Notice of Allowance and passage of these claims, Claims 1, 7, 9, 13, 16-19, 21, 22 and 25, is therefore respectfully solicited.

Respectfully submitted,



Marvin Bressler
Registration No. 25,132
Attorney for Applicants

MB:ahs